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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) Criminal No. 20-105
) [UNDER SEAL]
v.) (18 U.S.C. § 371 & 18 U.S.C. § 922(a)(5))
DERBY CLERFE)

INDICTMENT

COUNT ONE

The grand jury charges:

INTRODUCTION

At all times relevant to this Indictment:

1. The Arms Export Control Act and International Traffic in Arms Regulations prohibited the export of firearms from the United States without first obtaining a license from the United States Department of State.
2. Foreign Trade Regulations further required persons exporting firearms from the United States to submit Electronic Export Information via the Automated Export System.
3. The Automated Export System was the electronic system for collecting information from persons exporting goods from the United States.

THE CONSPIRACY AND ITS OBJECTS

4. From in and around December 2017, and continuing thereafter until in and around March 2018, in the Western District of Pennsylvania and elsewhere, the defendant, DERBY CLERFE, knowingly and willfully did conspire, combine, confederate and agree together with other persons known and unknown to the grand jury, to commit offenses against the United States, that is, smuggling goods from the United States, in violation of Title 8, United States

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Code, Section 554(a), and failing to file export information, in violation of Title 13, United States Code, Section 305(a).

MANNER AND MEANS OF THE CONSPIRACY

5. It was a part of the conspiracy that the defendant, DERBY CLERFE, purchased firearms with the intention that the firearms would be shipped, by a person known to the grand jury, from the United States to Haiti, without first obtaining a license and without filing Electronic Export Information in the Automated Export System, as required by law.

OVERT ACTS

6. In furtherance of the conspiracy, and to effect the objects of the conspiracy, the defendant, DERBY CLERFE, did commit and cause to be committed, the following overt acts, among others, in the Western District of Pennsylvania:

- (a) On or about December 24, 2017, the defendant, DERBY CLERFE, purchased 9 mm handguns from Dunham's Sports in Monroeville, Pennsylvania.
- (b) On or about February 8, 2018, the defendant, DERBY CLERFE, purchased 9 mm handguns from Dunham's Sports in Monroeville, Pennsylvania.

In violation of Title 18, United States Code, Section 371.

COUNT TWO

The grand jury further charges:

On or about December 24, 2017, in the Western District of Pennsylvania, the defendant, DERBY CLERFE, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, did willfully transfer a firearm, that is:

1. a 9 mm Glock model 26 pistol, bearing serial number BDEF303;
2. a 9 mm Glock model 17 pistol, bearing serial number BERT194;
3. a 9 mm Smith & Wesson model M&P9 pistol, bearing serial number NBH4201; and,
4. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TKU85570;

to a person known to the grand jury, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, knowing and with reasonable cause to believe that said person was not then residing in the Commonwealth of Pennsylvania, the state in which DERBY CLERFE was residing at the time of the aforesaid transfer of the firearms.

In violation of Title 18, United States Code, Section 922(a)(5).

COUNT THREE

The grand jury further charges:

On or about February 8, 2018, in the Western District of Pennsylvania, the defendant, DERBY CLERFE, not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, did willfully transfer a firearm, that is:

1. a 9 mm HS Products model XD-9 pistol, bearing serial number GM702307;
2. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM63885;
3. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM63533;
4. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM64038; and,
5. a 9 mm Glock model 19 pistol, bearing serial number BETB087;

to a person known to the grand jury, said person not being a licensed importer, manufacturer, dealer, and collector of firearms, within the meaning of Chapter 44, Title 18, United States Code, knowing and with reasonable cause to believe that said person was not then residing in the Commonwealth of Pennsylvania, the state in which DERBY CLERFE was residing at the time of the aforesaid transfer of the firearms.

In violation of Title 18, United States Code, Section 922(a)(5).

FORFEITURE ALLEGATION

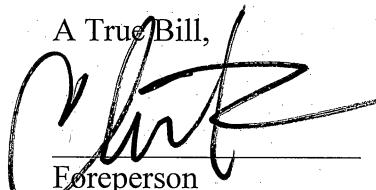
1. The allegations contained in Counts Two and Three of this Indictment are incorporated by reference as if fully set forth for the purpose of alleging criminal forfeiture pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c).

2. As part of the commission of the violations of Title 18, United States Code, Section 922(a)(5) charged in Counts Two and Three of this Indictment, the firearms referenced in those counts, that is:

- a. a 9 mm Glock model 26 pistol, bearing serial number BDEF303;
- b. a 9 mm Glock model 17 pistol, bearing serial number BERT194;
- c. a 9 mm Smith & Wesson model M&P9 pistol, bearing serial number NBH4201;
- d. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TKU85570;
- e. a 9 mm HS Products model XD-9 pistol, bearing serial number GM702307;
- f. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM63885;
- g. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM63533;
- h. a 9 mm Taurus model PT111 G2 pistol, bearing serial number TLM64038; and,
- i. a 9 mm Glock model 19 pistol, bearing serial number BETB087;

which were involved and used in the knowing commission of those offenses, are subject to forfeiture pursuant to Title 18, United States Code, Section 924(d)(1).

A True Bill,


Clerk
Foreperson


SCOTT W. BRADY
United States Attorney
PA ID No. 88352